



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

OCT 28 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6124 3795

Mr. Jeffrey L. Ostermann
Plant Manager - Gerald
Bull Moose Tube Company
P.O. Box 214
Gerald, Missouri 63037

Re: Request for Information Pursuant to Section 308 of the Clean Water Act
(33 U.S.C. § 1318)

IMMEDIATE ATTENTION REQUIRED

Dear Mr. Ostermann:

This letter requests information regarding compliance by Bull Moose Tube Company, located in Gerald, Missouri, with requirements of the stormwater standards established under the authority of Section 402 of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (CWA), 33 U.S.C. § 1342.

A representative from the U.S. Environmental Protection Agency conducted an inspection of the Bull Moose Tube facility in Gerald (hereafter "Facility") on February 24, 2016. A copy of the EPA inspection report was sent to you by letter dated May 23, 2016. The purpose of this request is to obtain additional information regarding your Facility's compliance with the CWA as part of the EPA's continuing review of Bull Moose Tube.

This letter, with its enclosures, is a request for information issued pursuant to Section 308(a) of the CWA, 33 U.S.C. 1318(a). This section authorizes the EPA to require any person subject to the CWA to provide information required to carry out the Act's objectives, including to determine whether there has been a violation of the CWA. Pursuant to Section 308, you are required to provide the information identified in the enclosed Information Request (Enclosure 1) **within twenty-one (21) calendar days** of receipt of this letter. Please read the instructions in the enclosure carefully before preparing your response. A signed Statement of Certification (Enclosure 2) must accompany your response.



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The information required herein must be submitted notwithstanding any claim you may have concerning confidentiality. If you wish to assert a claim of confidentiality concerning information submitted in response to this letter, you may do so pursuant to the provisions of Section 308 of the CWA, 33 U.S.C. § 1318, and 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to said statutes and EPA regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to Bull Moose Tube.

Please be advised that submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. § 1001. Further note that the EPA reserves its right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's February 24, 2016 inspection.

Information submitted pursuant to this Section 308 information request, with a signed Statement of Certification, must be sent **within twenty-one (21) calendar days** of receipt of this letter in a manner that allows you to track delivery and addressed as follows:

Seth Draper
U.S. Environmental Protection Agency - Region 7
11201 Renner Blvd
Lenexa, Kansas 66219

We appreciate your prompt attention to this matter. If you have any questions regarding this information request, please contact Seth Draper at (913) 551-7080, or Kate Reitz, the attorney assigned to this matter, at (913) 551-7745.

Sincerely,



Karen A. Flournoy
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Paul Dickerson, MDNR
Dorothy Franklin, MDNR

ENCLOSURE 1

INFORMATION REQUEST

Re: Bull Moose Tube Company

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318.

I. Instructions

1. **Please provide a separate response to each and every request set forth below. Clearly label each response in a manner that identifies the number of the question or document requested.**
2. If any answer or document cannot be provided in full, provide the answer or document(s) to the extent possible along with an explanation of why the question cannot be answered or document cannot be provided in its entirety.
3. Certification: The Statement of Certification found in Enclosure 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(a). For your convenience the text of 40 C.F.R. § 122.22(a) is included in Enclosure 2.
4. Confidential Business Information: If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
5. Requests for Extension of Time to Respond: If you believe for any reason that you will not be able to provide a complete response to this Information Request by the required deadline, you may submit a written request for an extension postmarked within fourteen (14) calendar days of receipt of this letter. When requesting an extension, you must specify which question(s) you will need additional time to answer. All other responses must be submitted within twenty-one (21) calendar days of receipt of this letter. For more information, contact Kate Reitz at (913) 551-7745.
6. All information must be **postmarked to the EPA within twenty-one (21) calendar days of receipt of this letter**. All submissions shall be sent in a manner that allows you to track delivery and shall be addressed as follows:

Seth Draper
U.S. Environmental Protection Agency - Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

II. Definitions

Unless otherwise indicated, all terms used in this request have the meaning and definition as stated in Section 502 of the CWA, 33 U.S.C. § 1362, and regulations promulgated thereunder, including 40 CFR §§ 122.2 and 403.3.

III. Requested Information

Please submit your response to this Information Request, accompanied by the Statement of Certification, within twenty-one (21) calendar days of receipt of this letter.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) **only copies**, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk or flash drive in PDF, Word, Excel or any other widely available electronic format.

A. Preliminary Information

1. Identify the person to contact regarding your response, including title, address and phone number.
2. Your responses to the questions are to be provided by a qualified professional. Provide the name and credentials of the person(s) providing information in response to this Information Request.

B. Sampling Procedures and Results

3. Provide copies of all quarterly benchmark monitoring reports completed since the February 24, 2016, EPA Inspection of the Bull Moose Tube Facility (hereafter "EPA Inspection"). If Bull Moose Tube has performed additional stormwater sampling since the EPA Inspection, please submit those results as well.
4. Describe Bull Moose Tube's current pH testing procedure for quarterly stormwater analysis and any recent changes to its procedure. If available, provide copies of all pH calibration logs for quarterly stormwater analysis completed since February 24, 2016.
5. Describe any sampling activities planned but not yet implemented with estimated implementation dates.

C. Stormwater Inspections and Corrective Actions

6. Provide copies of all monthly stormwater inspections completed since February 24, 2016. Explain gaps in the inspection record, if any.

7. Provide copies of all corrective action reports completed since February 24, 2016. Explain any missing reports, if applicable.
8. In an email dated April 7, 2016, from Jeff Ostermann to the EPA, Mr. Ostermann indicated that Bull Moose Tube planned to complete certain corrective actions to ensure future benchmark limits are not exceeded. Describe any specific corrective actions taken or planned to address the benchmark exceedances found in quarterly benchmark monitoring reports. These actions may include:
 - a. cleaning the Facility roof of metal deposits;
 - b. installing filters at exhaust vents in the Facility;
 - c. any other corrective actions taken; and
 - d. any corrective actions planned but not yet implemented with anticipated start and completion dates and an explanation of why they have not yet been implemented.

For each corrective action listed, please include:

- a. a brief description of the process;
- b. dates of initiation and completion of the corrective action;
- c. cost to the Facility of completing the corrective action, including a breakdown of the cost and the total cost of the action;
- d. whether any improvements have resulted from the corrective action; and
- e. any other pertinent details of the corrective action.

D. Stormwater Pollution Prevention Plan (SWPPP)

9. If available, provide a copy of the updated SWPPP, which should include the following:
 - a. site map that clearly delineates the outfalls present at the facility;
 - b. description of any changes to the site drainage, outfall locations, best management practices (BMPs) and other changes made to address the exceedances found in benchmark monitoring; and,
 - c. if an updated SWPPP is not available, briefly explain why and include a description of any progress made towards updating the SWPPP.

E. Parking Lot Expansion

10. The EPA inspection report indicates that, on April 6, 2016, Mr. Ostermann informed the EPA that Bull Moose Tube obtained a construction permit from the State of Missouri for its planned parking lot expansion in March, 2016. Please provide a copy of this permit and any supporting documentation. If not available, please explain why.

ENCLOSURE 2

STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title

40 C.F.R. § 122.22. Signatories to permit applications and reports.

(a) **Applications.** All permit applications shall be signed as follows:

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).